

**THE DEPARTMENT OF HEALTH
AND ENVIRONMENTAL CONTROL**

DIRECT TESTIMONY AND EXHIBITS

OF

KAREN L. RAMOS

RECEIVED

AUG 03 2005

PSC SC
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DOCKET NO. 2005-110-WS

**Petition of the Office of Regulatory Staff to
Request Forfeiture of the Bond and to Request
Authority to Petition the Circuit Court for
Appointment of a Receiver**

TESTIMONY OF KAREN L. RAMOS

FOR

THE DEPARTMENT OF HEALTH & ENVIRONMENTAL CONTROL

DOCKET NO. 2005-110-WS

IN RE: PINEY GROVE UTILITIES, INC.

Q. PLEASE STATE YOUR NAME, BUSINESS ADDRESS AND OCCUPATION.

A. My name is Karen Ramos, and my business address is 2600 Bull Street, Columbia, SC, 29201. I am employed by the South Carolina Department of Health and Environmental Control (DHEC or the Department) as a manager in the Drinking Water Enforcement Section of the Bureau of Water.

Q. CAN YOU DESCRIBE YOUR RESPONSIBILITIES AS A MANAGER OF THE BUREAU OF WATER DRINKING WATER ENFORCEMENT SECTION?

A. I receive referrals for formal enforcement action from compliance and district staff members, review them for accuracy, assign to a the appropriate staff, determine the best course of action, review Consent Orders, review Administrative Orders, and review civil penalties based on the severity of the violation(s) and the potential for harm to the environment and the health of the citizens of the State as mitigated by the cooperation and concern evidenced by a violator.

Q. PLEASE STATE YOUR EDUCATIONAL BACKGROUND AND EXPERIENCE. HOW LONG HAVE YOU BEEN EMPLOYED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL?

**THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
2600 Bull Street, Columbia, SC 29201**

1 A. I have a Bachelors of Science Degree in Biology from the University of South
2 Carolina. I have been employed by the Department in the Water Enforcement Division
3 for five years.

4 **Q. HAVE YOU COMPLETED ADDITIONAL TRAINING AND/OR**
5 **EDUCATION SINCE YOUR GRADUATION FROM HIGH SCHOOL? IF SO,**
6 **PLEASE LIST COURSEWORK AND DATES OF TRAINING.**

7 A. Yes, I received an Associate Public Manager Certificate in July 2001 from the South
8 Carolina Budget and Control Board Office of Human Resources.

9 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY INVOLVING PINEY**
10 **GROVE UTILITIES, INC. FOR THIS PROCEEDING?**

11 A. The purpose of my testimony is to set forth my findings relative to enforcement
12 referrals and enforcement actions against the utility for public drinking water systems.
13 Specifically, I will focus on the facility's environmental compliance record, the
14 enforcement actions taken, and the facility's compliance with those consent orders,
15 emergency orders, administrative orders, and court orders.

16 **Q. HOW LONG HAVE YOU BEEN MANAGING THE ENFORCEMENT**
17 **OFFICER OVER THE PINEY GROVE UTILITIES, INC.'S PUBLIC DRINKING**
18 **WATER SYSTEMS LOCATED AT THE ALBENE PARK AND FRANKLIN**
19 **PARK SUBDIVISIONS?**

20 A. I have been managing the enforcement officer for the Albene Park and Franklin Park
21 Subdivisions public drinking water systems for approximately two years, since
22 September 2003.

1 **Q. ARE YOUR FINDINGS SET FORTH IN YOUR TESTIMONY AND**
2 **ATTACHED EXHIBITS?**

3 A. Yes.

4 **Q. PLEASE EXPLAIN HOW YOU COMPILED INFORMATION FOR YOUR**
5 **REVIEW OF PINEY GROVE.**

6 A. I used information provided by the facility's compliance officer regarding routine on-
7 site evaluations and sampling along with on-site visits associated with complaints. I also
8 consulted with and used information from other DHEC staff, wastewater treatment
9 facility operators, and plumbing companies. In addition, I reviewed PGU's sanitary
10 surveys and other facility inspection and monitoring reports, which are all maintained as
11 part of the PGU compliance and enforcement files in the normal course of business.

12 **Q. PLEASE DESCRIBE YOUR UNDERSTANDING OF THE ENFORCEMENT**
13 **ACTIONS TAKEN IN REGARDS TO THE DRINKING WATER SYSTEMS**
14 **THAT ARE OWNED BY PINEY GROVE UTILITIES, INC. BEGINNING WITH**
15 **THE FIRST ENFORCEMENT ACTION THROUGH AUGUST 2, 2005, THE**
16 **DATE OF THIS TESTIMONY.**

17 A. On June 29, 1999, the Department issued Administrative Order 99-090-DW to Piney
18 Grove Utilities, Inc. and Piney Grove Utilities, Inc. d/b/a Franklin Park and Albene Park
19 Subdivisions requiring Piney Grove Utilities, Inc. to submit Public Education (PE) for a
20 lead and copper Action Level Exceedance (ALE); submit a Business Plan (BP); submit a
21 Preliminary Engineering Report (PER) for fixing the wellhouse and storage facility;
22 implement a flushing program and submit records to the Department; address all
23 deficiencies listed on the October 14, 1998, and February 12, 1999, Sanitary Surveys and

1 in the Findings of Fact of Administrative Order 99-090-DW; and, pay a civil penalty of
2 thirty-two thousand dollars (\$32,000.00) (Exhibit KLR 1). The requirements of this
3 Administrative Order were not met.

4 On December 8, 1999, Consent Order of Dismissal (Docket Number 99-ALJ-07-0375-
5 CC) was issued following an appeal of Administrative Order 99-090-DW to Piney Grove
6 Utilities, Inc. and Piney Grove Utilities, Inc. d/b/a Franklin Park and Albene Park
7 Subdivisions requiring Piney Grove Utilities, Inc. to submit PE for a lead and copper
8 ALE; submit a BP; submit a PER for fixing the wellhouse and storage facility; implement
9 a flushing program and submit records to the Department; address all deficiencies listed
10 in the previous Sanitary Surveys and in the Findings of Fact of Administrative Order 99-
11 090-DW; and, pay a civil penalty in the amount of twenty thousand dollars (\$20,000.00)
12 (Exhibit KLR 2). The requirements of this Consent Order of Dismissal were not met.

13 On July 7, 2005, the Department issued Administrative Order 05-082-DW and
14 Administrative Order 05-081-DW to Piney Grove Utilities, Inc. for the Albene Park and
15 Franklin Park Sudivisions (Exhibits KLR 3 and KLR 4).

16 **Q. WHAT IS THE TOTAL SUM THAT HAS BEEN LEVIED AGAINST THE**
17 **UTILITY IN CIVIL PENALTIES FOR VIOLATIONS AT THESE TWO**
18 **FACILITIES? HOW MUCH HAS BEEN ACTUALLY PAID TO THE**
19 **DEPARTMENT?**

20 A. The total sum is Forty Thousand Dollars (\$40,000). To date, the Department has not
21 received any payment.

1 **Q. DO YOU HAVE ANY ADDITIONAL COMMENTS ABOUT THE DRINKING**
2 **WATER SYSTEMS OF PINEY GROVE UTILITIES, INC. AND HOW THEY**
3 **HAVE BEEN OPERATED BY THE MANAGEMENT OF PINEY GROVE**
4 **UTILITIES, INC.?**

5 A. Yes. Since 1999, the Department has tried to get the management of Piney
6 Grove Utilities, Inc. to bring its Drinking Water Systems into compliance with
7 regulations to no avail. Piney Grove Utilities, Inc. has failed to properly operate and
8 maintain its PWSs, failed to perform nitrate monitoring, failed to perform bacteriological
9 monitoring, failed to perform lead and copper monitoring, failed to issue public notice for
10 failure to perform bacteriological monitoring, failed to perform Water Quality Parameter
11 analyses after a Copper Action Level Exceedance, failed to submit an approvable
12 Optimal Corrosion Control Treatment Evaluation after a Copper ALE, and failed to pay
13 State Safe Drinking Water Fees.

14 **Q. DOES THAT CONCLUDE YOUR TESTIMONY?**

15 A. Yes it does.

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STATE OF SOUTH CAROLINA
BEFORE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

IN RE: Piney Grove Utilities, Inc.
And Piney Grove Utilities, Inc. d/b/a
Franklin Park Subdivision (WS# 4050016)
and Albene Park Subdivision (WS# 4050007)
Richland County

ADMINISTRATIVE ORDER
99-090-DW

Piney Grove Utilities, Inc. and Piney Grove Utilities Inc. d/b/a Franklin Park and Albene Park Subdivisions (Respondent) is responsible for the operation and maintenance of the public water systems which serve the customers of Franklin Park and Albene Park Subdivisions located in Richland County, South Carolina.

South Carolina Department of Health and Environmental Control (Department) records reveal that the Respondent has failed to properly operate and maintain both of the referenced water systems.

In accordance with approved procedures, Department staff has determined that an Administrative Order should be issued to the Respondent requiring compliance with the requirements of the State Safe Drinking Water Act, S.C. Code Ann. §44-55-10 *et seq.*, (1976).

FINDINGS OF FACT

1. On November 13, 1992, the Department issued Consent Order 92-104-DWP which required several corrective actions at the Franklin Park Subdivision. Specifically, the Order required the Respondent to submit plans for corrosion control and implement the approved plan due

to the presence of lead and copper. The Respondent submitted this plan on September 9, 1996. However, the Department rejected this plan due to the resulting adverse water quality parameters such as pH. The Department required the Respondent to resubmit a new corrosion control plan. Since the issuance of the Order for Franklin Park, the water system has had the following lead and copper exceedances:

January through June 1996	Lead (0.030 mg/L)
January through June 1997	Copper (2.4 mg/L)
July through December 1997	Lead (0.0210 mg/L)
January through June 1998	Lead (0.0160 mg/L)

The Respondent failed to submit the required number of lead and/or copper samples during the July through December 1996 monitoring period. In addition, the Respondent failed to issue public notification and education required for each violation in an appropriate time frame.

2. On December 9, 1996, the Department approved a corrosion control plan for the Albene Park Subdivision water system because of the known presence of lead and copper. This plan involved a simple flushing program. Since January, 1997, no further lead and copper exceedances have occurred. However, the Respondent has not been able to provide any flushing records to demonstrate that the plan was properly implemented nor has the Respondent issued the required public notification and education for the lead and copper exceedances.
3. On October 14, 1998, the Department conducted a sanitary survey at the Franklin Park Subdivision water system. The system was rated "unsatisfactory" due to problems in several

compliance areas including, but not limited to, flow meter, distribution quality, storage bypass, storage maintenance, operation and control, valve maintenance, flushing program, leak detection, system map, site sampling plan, storage security, facility maintenance, procedures manual, and emergency plan. The Respondent stated that it had installed a new compressor and pump at the Franklin Park water system. The Respondent also stated that it currently had fifty one (51) taps. Based on this information, the Respondent is required to properly install a second water source for the system.

4. On October 14, 1998, the Department conducted a sanitary survey of the Albene Park Subdivision water system. The overall system was rated "unsatisfactory" due to problems in several compliance areas including, but not limited to, source security, distribution quality, storage maintenance, source protection, chemical storage, operation and control, valve maintenance, flushing program, leak detection, system map, site sampling plan, storage security, facility maintenance, procedures manual, emergency plan, and weather protection.
5. On January 4, 1999, the Department received the required public notification and education for the lead and copper violations at the Franklin Park Subdivision.
6. On February 2, 1999, the Department met with the Respondent to discuss the violations at the referenced water systems. The Respondent stated that it had completed several corrective actions at Franklin Park such as painting the fire hydrants, clearing the area around the well and pump, and improving the condition of the water storage tank. At Albene Park, the Respondent stated that it had rebuilt the well cover, painted the tank, and started a flushing program in December of 1998. The Respondent stated that it wished to connect to another water system. However, this option is currently unavailable as City of Columbia water is

more than two miles away. The Respondent also stated that it lacked the funds to complete the required corrective actions.

7. On February 12, 1999, the Department conducted a follow-up inspection at the two referenced systems. At Franklin Park, the distribution operation and control was improved, the hydrants had been painted, the system map was available, the storage security was improved, the ladder on the tank had been removed and air compressor was installed, the tank had been cleaned, hydrants had been painted black, and the overgrown vegetation was partially removed. However, the following compliance areas remained rated as "needs improvement" or "unsatisfactory": water quality, valve and hydrant maintenance programs, leak detection, sample siting plan, bypass, procedures manual, and emergency plan. At Albene Park, the wellhouse had been secured, some valves had been identified, the system map was under evaluation, the tank had been partially painted, the flushing program had begun (though not complete), and the facility was cleared of most debris. However, the following compliance areas remained rated as "needs improvement" or "unsatisfactory": protection from contamination, chemical storage, water quality, operation and control, valve maintenance, flushing (as necessary for corrosion control), leak detection, system map, sample siting plan, sanitary protection, tank maintenance, monitoring, reporting, recordkeeping, procedures manual, emergency plan, and weather protection. The tank at Albene Park is currently propped up by a board because the floor of the well house facility has been significantly sinking. This entire facility must have a stable foundation in order to ensure the security and protection of the well and tank. In addition, the tank at Albene Park has not been inspected for structural integrity.

8. On February 25, 1999, the Department issued a construction permit for the installation of a new well house, piping and appurtenances for the addition of sodium hypochlorite and soda ash at Franklin Park. While these additions may help the quality of water provided, the Respondent will still need to finish the corrosion control study at this facility. Specifically, the Respondent will need to determine the target alkalinity and pH ranges for optimum corrosion control.

CONCLUSIONS OF LAW

Based upon the above Findings of Fact, the Respondent has violated the State Safe Drinking Water Act, S.C. Code Ann. §§ 44-55-10 *et seq.*, (1976, as amended), and the State Primary Drinking Water Regulations, S.C. Code Ann. Regs. 61-58 (1976, as amended), as follows:

1. S.C. Code Ann. R.61-58.11(B) in that both of the referenced water systems have had unaddressed lead and copper exceedances. Specifically, the Respondent has neither submitted the required revised corrosion control for Franklin Park nor provided any evidence of the flushing program necessary for corrosion control at Albene Park.
2. S.C. Code Ann. R.61-58.11(G) in that the Respondent failed to issue public notification and education for the lead and copper exceedances at either system within the required time frame.
3. S.C. Code Ann. R.61-58.7 in that the Respondent failed to properly operate and maintain both of the referenced water systems. In addition to the compliance violations cited above, the Respondent has neither provided a second source of water for Franklin Park as required since it has fifty one (51) taps nor has it stabilized the floor of the existing wellhouse and storage facility at Albene Park.

4. S.C. Code Ann. R.61-58.8 in that the Respondent failed to have an emergency procedures plan in place for both of the referenced systems.
5. S.C. Code Ann. § 44-55-80. in that it failed to comply with the specific articles, rules, and regulations for monitoring, maintenance, operations, and reporting pursuant to S.C. Code Ann. § 44-55-40.
6. S. C. Code Ann. § 44-55-90, (1976, as amended), provides for civil penalties not to exceed five thousand dollars (\$5,000) per day per violation.

IT IS THEREFORE ORDERED, pursuant to S.C. Code Ann. §44-55-10 *et seq.*, (1976, as amended), that the Respondent shall:

1. Within thirty (30) days of the execution date of this Order, submit public education for the lead and copper exceedances which occurred at Albene Park prior to January, 1997.
2. Within thirty (30) days of the execution date of this Order, resubmit the corrosion control study for the Franklin Park water system to include target alkalinity and pH ranges for optimum corrosion control.
3. Within sixty (60) days of the execution date of this Order, develop a business plan for both of the referenced water systems which shall include a synopsis of the financial status, management, and facility operations. This business plan is a tool for systems to identify a reasonable mechanism by which those systems can achieve compliance with the State Safe Drinking Water Act and associated regulations.
4. Within sixty (60) days of the execution date of this Order, implement the flushing program at Albene to insure that the approved corrosion control program is being

conducted. These records should include, but not be limited to, date, time, location, flushing time, chlorine residual, gallons per minute, and water quality of flushing activities. The flushing protocol shall be included in the system's written procedures manual as well. Flushing records shall be submitted to the Department for review on a quarterly basis beginning with September, 1999 and continuing until September, 2000.

5. Within ninety (90) days of the execution date of this Order, submit a preliminary engineering report (PER) prepared by a professional engineer licensed in South Carolina for the required second source well at Franklin Park and the construction of the new well house and storage facility at Albene Park. In addition, this PER must include a report and corrective action plan to address the structural integrity of the tank at Albene Park. Prior to the beginning of construction and placing the new source into operation, the Respondent must obtain a Permit to Construct and a Final Approval Permit. All plans shall have Department approval before the start of any construction work.
6. Within one hundred and twenty (120) days of the execution date of this Order, address and correct each compliance program area which is rated as "needs improvement" or "unsatisfactory" in item number seven (7) of the Findings of Fact.
7. Within forty five (45) days of the execution date of this Order, pay to the Department a civil penalty in the amount of thirty two thousand dollars (\$32,000.00).

IT IS FURTHER ORDERED that failure to comply with any provision of this Order shall

be grounds for sanctions under the State Safe Drinking Water Act, to include the assessment of additional penalties and enforcement of said Order in the appropriate court.

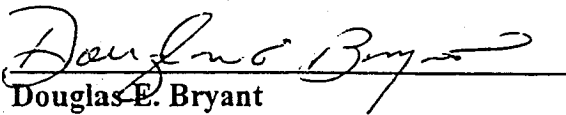
NOTICE IS HEREBY GIVEN that this Administrative Order may be contested pursuant to South Carolina R. 61-72 and Rules of Procedure for the Administrative Law Judge Division by filing a request for a contested case within fifteen calendar days of receipt of the Administrative Order. The request for a contested case shall be filed with the Clerk of the Board of the Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina, 29201, and must contain the following:

- A. The name of the party requesting the hearing and the issue(s) for which the hearing is requested;
- B. The caption or other information sufficient to identify the decision, Order, action, or inaction which is the subject of the hearings; and,
- C. The relief requested.

You are further notified that this Order shall become final as written if a proper request for contested case hearing is not filed within fifteen (15) days of receipt of this Administrative Order.

IT IS SO ORDERED.

**THE SOUTH CAROLINA DEPARTMENT OF
HEALTH AND ENVIRONMENTAL CONTROL**


Douglas E. Bryant
Commissioner

6/29/99
Date

Alton C. Boozer

Alton C. Boozer, Chief
Bureau of Water

8 June, 1999
Date

Felix D. H. [Signature]
Attorney for the Department

June 23, 1999
Date

OFFICE OF GENERAL COUNSEL
DEC 5 1999

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW JUDGE DIVISION

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South Carolina Department of Health)
and Environmental Control)
)
Petitioner.)
)
vs.)
)
Piney Grove Utilities, Inc., and Piney)
Grove Utilities d/b/a Franklin Park)
Subdivision and Albene Park)
Subdivision,)
)
Respondent.)
_____)

Docket No. 99-ALJ-07-0375-CC

CONSENT ORDER OF DISMISSAL

This matter is before the South Carolina Administrative Law Judge Division ("Division") pursuant to Piney Grove Utilities' Petition for a Contested Case Hearing to challenge Administrative Order 99-090-DW, issued by the Department on June 29, 1999. The parties have resolved all outstanding issues and wish to bring litigation of this matter to a close by entering into the following agreement.

THEREFORE IT IS ORDERED:

- (1) that the Respondent shall, within thirty (30) days of the execution date of this Order, submit public education for the lead and copper exceedances which occurred at Albene Park prior to January, 1997.
- (2) Within one hundred eighty (180) days of the execution date of this Order, resubmit the corrosion control study for the Franklin Park water system to include target alkalinity and pH ranges for optimum corrosion control.
- (3) Within one hundred eighty (180) days of the execution date of this Order, develop a

Exhibit 2
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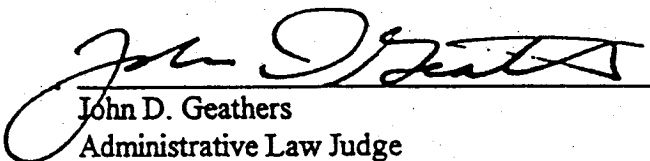
business plan for both of the referenced water systems which shall include a synopsis of the financial status, management, and facility operations. This business plan is a tool for systems to identify a reasonable mechanism by which those systems can achieve compliance with the State Safe Drinking Water Act and associated regulations.

- (4) Within sixty (60) days of the execution date of this Order, implement the flushing program at Albene to insure that the approved corrosion control program is being conducted. These records should include, but not be limited to, date, time, location, flushing time, chlorine residual, gallons per minute, and water quality of flushing activities. The flushing protocol shall be included in the system's written procedures manual as well. Flushing records shall be submitted to the Department for review on a quarterly basis beginning with September, 1999 and continuing until September, 2000.
- (5) Within one hundred eighty (180) days of the execution date of this Order, submit a preliminary engineering report (PER) prepared by a professional engineer licensed in South Carolina for the construction of the new well house and storage facility at Albene Park. In addition, this PER must include a report and corrective action plan to address the structural integrity of the tank at Albene Park. All plans shall have Department approval before the start of any construction work.
6. Within one hundred and twenty (120) days of the execution date of this Order, address and correct each compliance program area which is rated as "needs improvement" or "unsatisfactory" in item number seven (7) of the Findings of

Fact of Administrative Order 99-090-DW

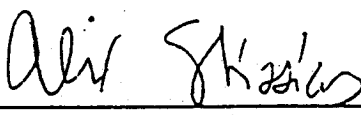
7. The Respondent shall pay to the Department a civil penalty of twenty thousand dollars (\$20,000.00). This penalty shall be payable in quarterly installments of one thousand dollars (\$1000.00) over a period of five years. The first installment shall be due on June 1, 2000.

AND IT IS SO ORDERED.

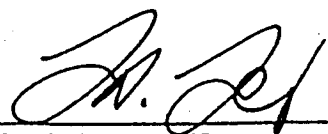

John D. Geathers
Administrative Law Judge

Columbia, South Carolina
December 2, 1999.

WE CONSENT:

 12/2/99
Alexander G. Shissias

Office of General Counsel
South Carolina Department of Health
and Environmental Control
2600 Bull Street
Columbia, South Carolina 29201
Phone (803) 898-3349
Fax (803) 898-3367
Attorney for Petitioner


Louis H. Lang, Esq.

Callison, Tighe & Robinson, LLP
P.O. Box 1390
Columbia, SC 29201
Tel. 803- 256-2371
Fax: 256-6431

CERTIFICATE OF SERVICE
This is to certify that the undersigned has this date
served this order in the above entitled action upon all
parties to this cause by depositing a copy thereof
postage paid, in the United States Mail addressed to
the party(ies) or their attorney(s).
2nd day of December 1999

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BOARD:
Elizabeth M. Hagood
Chairman
Edwin H. Cooper, III
Vice Chairman
L. Michael Blackmon
Secretary



C. Earl Hunter, Commissioner
Promoting and protecting the health of the public and the environment.

BOARD:
Carl L. Brazell
Steven G. Kisner
Paul C. Aughtry, III
Coleman F. Buckhouse, MD

July 7, 2005

Hand Delivered

Mr. Louis H. Lang, Esquire
Callison Tighe Robinson LLP
Post Office Box 1390
Columbia, SC 29202-1390

RE: **Administrative Order 05-081-DW**
Piney Grove Utilities, Inc.
Franklin Park Subdivision Public Water System
System Number 4050016
Richland County

Dear Mr. Lang:

Enclosed is the fully executed Administrative Order 05-081-DW affecting Piney Grove Utilities, Inc./Franklin Park Subdivision. The execution date of this Order is July 7, 2005.

This decision may be appealed to the Administrative Law Court (ALC) by complying with the following requirements of the ALC:

File a request for a contested case hearing with the Clerk of the Administrative Law Court at the following address within thirty (30) days after notice of this decision:

Clerk, Administrative Law Court
1205 Pendleton Street, Suite 224
P. O. Box 11667
Columbia, SC 29211
803-734-0550

The ALC has a Notice of Request for Contested Case Hearing form that may be used, but is not required. The form and the Rules of the ALC can be found at the ALC's website: <http://www.scalc.net>.

A request for a contested case hearing must contain the following information pursuant to ALC Rule 11:

1. The name of the party requesting the hearing and the issue(s) for which the hearing is requested.

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2. The caption or other information sufficient to identify the decision, order, letter, determination, action, or inaction which is subject to the hearing.
3. A copy of the written agency decision, order, letter or determination, if any, which gave rise to the request.
4. The relief requested.

Submit a filing fee to the Administrative Law Court in the amount of \$250. The filing fee is required by ALC Rule 71.

Serve a copy of the request for a contested case hearing on DHEC and any other parties at the same time the request is filed with the ALC. A copy of the request for a contested case hearing must be delivered or mailed to DHEC at the following address:

Clerk of the Board
SC DHEC
2600 Bull Street
Columbia, SC 29201

The above information is provided as a courtesy; parties before the Administrative Law Court are responsible for complying with all applicable requirements of the Court.

If a hearing is not requested within thirty (30) calendar days of your receipt of this Order, the Order will become final as written. Any failure to comply with the established deadlines will then be deemed a violation of the State Safe Drinking Water Act, S.C. Code Ann. §§ 44-55-10 to 120, thereby subjecting you to the assessment of additional penalties as authorized by S.C. Code Ann. § 44-55-90.

If you have any questions in this matter, please call me at (803) 898-4430.

Sincerely,



Sallie Legaré
Project Manager
Drinking Water Enforcement Division
Bureau of Water

cc: Harry Mathis, Director, Region 3
Sonya Johnson, Region 3
Matthew Penn, General Counsel
Julie McIntyre, General Counsel

**THE STATE OF SOUTH CAROLINA
BEFORE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

**IN RE: PINEY GROVE UTILITIES, INC. and
PINEY GROVE UTILITIES, INC. d/b/a
FRANKLIN PARK SUBDIVISION
PUBLIC WATER SYSTEM NUMBER 4050016
RICHLAND COUNTY**

**ADMINISTRATIVE ORDER
05-081-W**

Piney Grove Utilities, Inc. and Piney Grove Utilities, Inc. d/b/a Franklin Park Subdivision (Respondents) own and are responsible for the proper operation and maintenance of the public water system (PWS) serving the residents of the Franklin Park Subdivision located in Richland County, South Carolina.

A review of the Respondents' file by South Carolina Department of Health and Environmental Control (Department) staff revealed that the Respondents violated the State Safe Drinking Water Act, S.C. Code Ann. §§ 44-55-10 to 120 (2002), the State Primary Drinking Water Regulations, 24A S.C. Code Ann. Regs. 61-58 (Supp. 2004), and the Environmental Protection Fees regulation, 24A S.C. Code Ann. Regs. 61-30 (G)(2) (Supp. 2004), in that they failed to properly operate and maintain the PWS, failed to perform nitrate monitoring for the 2005 monitoring period, failed to perform bacteriological monitoring for the September 2002, June 2004, August 2004 and March 2005 monitoring periods, failed to perform lead and copper monitoring for the four (4) consecutive monitoring periods of July – December 2002, January – June 2003, July – December 2003, and January – June 2004, failed to issue public notice (PN) for failure to perform bacteriological monitoring in September 2002, failed to perform Water Quality Parameter (WQP) analyses after a Copper Action Level Exceedance (ALE), failed to

submit an approvable Optimal Corrosion Control Treatment (OCCT) Evaluation after a Copper ALE, and failed to pay State Safe Drinking Water Fees for the 2005 fiscal year.

In accordance with approved procedures, the Department has determined that it is appropriate and necessary to issue this Administrative Order to include the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Piney Grove Utilities, Inc. and Piney Grove Utilities, Inc. d/b/a Franklin Park Subdivision (Respondents) own and are responsible for the proper operation and maintenance of the public water system (PWS) serving the residents of the Franklin Park Subdivision located in Richland County, South Carolina.
2. The PWS consists of one (1) permanent well, a storage tank, fifty-one (51) taps, and serves a population of one hundred thirty-seven (137) people.
3. On June 29, 1999, the Department issued Administrative Order 99-090-DW to Piney Grove Utilities, Inc. and Piney Grove Utilities, Inc. d/b/a Franklin Park and Albene Park Subdivisions requiring the Respondents to do the following at the Franklin Park Subdivision PWS:
 - A. Re-submit the OCCT Evaluation that was found deficient when previously submitted for the lead and copper ALEs;
 - B. Submit a Business Plan (BP);
 - C. Submit a Preliminary Engineering Report (PER) to address the requirements to add a second water source;
 - D. Obtain a Permit to Construct the new well, and obtain Final Approval to Operate the new well;

- E. Address all deficiencies listed in the October 14, 1998, and February 12, 1999, Sanitary Surveys and in the Findings of Fact of the Administrative Order 99-090-DW; and,
- F. Pay a civil penalty of thirty-two thousand dollars (\$32,000.00).

The requirements of this Administrative Order were not met.

- 4. On December 8, 1999, Consent Order of Dismissal (Docket Number 99-ALJ-07-0375-CC) was issued following an appeal of Administrative Order 99-090-DW to Piney Grove Utilities, Inc. and Piney Grove Utilities, Inc. d/b/a Franklin Park and Albene Park Subdivisions requiring the Respondents to do the following at Franklin Park Subdivision PWS:

- A. Re-submit the OCCT Evaluation, to include alkalinity studies and pH ranges for optimum corrosion control;
- B. Develop a BP;
- C. Correct deficiencies listed in the previous Sanitary Surveys and in the Findings of Fact of Administrative Order 99-090-DW; and,
- D. Pay a civil penalty in the amount of twenty thousand dollars (\$20,000.00).

The requirements of this Consent Order of Dismissal were not met.

- 5. On November 7, 2003, the Department mailed a notice to the Respondents regarding the results of the Sanitary Survey performed at the Franklin Park Subdivision PWS on August 28, 2003. The system was rated "Unsatisfactory" due to the following deficiencies:

- A. The flow meter was rated "Unsatisfactory" in that no flow meter was present on the well;

- B. The water quality was rated "Unsatisfactory" in that an approvable OCCT Evaluation had not been submitted requiring chemical treatment to be installed, and sampling for lead and copper had not occurred for the two (2) consecutive monitoring periods of July – December 2002 and January – June 2003. The OCCT must be submitted and approved, and PN must be issued for non-monitoring for those periods;
- C. The valve maintenance was rated "Needs Improvement" in that a valve maintenance program was not in place as required;
- D. The flushing program was rated "Needs Improvement" in that a flushing program was not in place as required;
- E. The leak detection and repair program was rated "Needs Improvement" in that a leak detection and repair program was not in place as required;
- F. The sample tap was rated "Unsatisfactory" in that one was not installed on the system as required;
- G. The procedure manual was rated "Needs Improvement" in that a complete manual did not exist; and,
- H. The emergency manual was rated "Needs Improvement" in that the current information was not sufficient.

In addition, concerns were raised because of water line leaks occurring within the distribution system.

- 6. The Respondents failed to perform bacteriological monitoring for the September 2002, June 2004, August 2004 and March 2005 monitoring periods.

7. To date, PN has not been issued to the residents and a copy sent to the Department for non-monitoring for bacteriological contaminants for the September 2002 monitoring period.
8. On July 21, 2004, the Department mailed to the Respondents invoice number QK33885-5 and follow-up notices in August 2004, September 2004, and October 2004 requesting the submittal of State Safe Drinking Water Fees for fiscal year 2005.
9. To date, the Respondents have not paid their annual State Safe Drinking Water Fees for the 2005 fiscal year. Currently, the outstanding fees total one thousand four hundred forty-two dollars and thirty-eight cents (\$1,442.38).
10. To date, the Respondents have not performed nitrate monitoring for the 2005 monitoring period.
11. In August 2004, the Department mailed the Respondents a Notice of Violation (NOV) for failure to perform bacteriological monitoring for the June 2004 monitoring period.
12. On December 6, 2004, the Department mailed a notice to the Respondents regarding the results of the Sanitary Survey performed on November 17, 2004. The system was rated "Unsatisfactory" due to the following deficiencies:
 - A. The flow meter was rated "Unsatisfactory" in that no flow meter was present on the well as required;
 - B. The water quality was rated "Unsatisfactory" in that an approvable OCCT Evaluation had not been submitted requiring chemical treatment to be installed, and sampling for lead and copper had not occurred for the four (4) consecutive monitoring periods of July – December 2002, January – June 2003, July – December 2003, and January – June 2004. Also, no samples had been received by the time the notice was sent on December 6, 2004. The OCCT must be

submitted and approved, and PN must be issued for the non-monitoring for the above-mentioned periods;

- C. The valve maintenance was rated "Unsatisfactory" in that a valve maintenance program did not exist as required;
- D. The flushing program was rated "Unsatisfactory" in that a flushing program did not exist as required;
- E. The leak detection was rated "Needs Improvement" in that a leak detection program did not exist as required;
- F. The sample tap was rated "Needs Improvement" in that one was not installed on the system as required;
- G. The procedure manual was rated "Unsatisfactory" in that a complete manual did not exist; and,
- H. The emergency manual was rated "Needs Improvement" in that the current information was not sufficient.

In addition, the storage tank was rusted and needed repair.

- 13. On January 18, 2005, the Department mailed the Respondents a notice indicating that there was a Copper ALE for the July – December 2004 monitoring period and requested a WQP analyses to be completed within thirty (30) days, and source water monitoring and OCCT Evaluation to be submitted to the Department within six (6) months. To date, the Department has not received any of the required information.
- 14. On March 8, 2005, the Department again mailed the Respondents a notice indicating that there was a Copper ALE for the July – December 2004 monitoring period. The notice requested a WQP analyses to be completed within thirty (30) days and source water

monitoring and OCCT Evaluation to be submitted to the Department within six (6) months. To date, the Department has not received any of the required information.

15. On April 6, 2005, the Department mailed the Respondents a NOV as a result of the Sanitary Survey performed on November 17, 2004. The deficiencies in the NOV were all deficiencies the Respondents agreed to correct, but failed to correct, in the Consent Order of Dismissal (Docket Number 99-ALJ-07-0375-CC) entered into by the Department and the Respondents on December 8, 1999.
16. On April 27, 2005, the Department mailed the Respondents a Notice of Violation (NOV) for non-submittal of the required WQP analyses. The NOV stated that the WQPs must be submitted within fifteen (15) days of the receipt of the letter and that Public Notice (PN) must be issued to each person served by the PWS within three hundred sixty-five (365) days for the non-submittal violation. To date, the Department has not received the WQP analyses.
17. The Respondents did not perform sampling for lead and copper for the four (4) consecutive monitoring periods of July-December 2002, January-June 2003, July-December 2003, and January-June 2004.

CONCLUSIONS OF LAW

Based upon the above Findings of Fact, the Department reaches the following Conclusions of Law:

1. The Respondents violated the State Primary Drinking Water Regulations, 24A S.C. Code Ann. Regs. 61-58.7(B)(2) (Supp. 2004), in that they failed to have a procedures manual at the Franklin Park Subdivision PWS.
2. The Respondents violated the State Primary Drinking Water Regulations, 24A S.C. Code Ann. Regs. 61-58.7(B)(19) (Supp. 2004), in that they failed to have a sample tap so that

water samples can be obtained at the Franklin Park Subdivision PWS.

3. The Respondents violated the State Primary Drinking Water Regulations, 24A S.C. Code Ann. Regs. 61-58.7(B)(20) (Supp. 2004), in that they failed to have a working flow measuring device at the Franklin Park Subdivision PWS.
4. The Respondents violated the State Primary Drinking Water Regulations, 24A S.C. Code Ann. Regs. 61-58.7(E)(9) (Supp. 2004), in that they failed to establish a valve maintenance program and perform adequate valve maintenance program at the Franklin Park Subdivision PWS.
5. The Respondents violated the State Primary Drinking Water Regulations, 24A S.C. Code Ann. Regs. 61-58.7(E)(11) (Supp. 2004), in that they failed to develop and implement an adequate leak detection and repair program at the Franklin Park Subdivision PWS.
6. The Respondents violated the State Primary Drinking Water Regulations, 24A S.C. Code Ann. Regs. 61-58.7(E)(13) (Supp. 2004), in that they failed to develop and implement an adequate flushing program at the Franklin Park Subdivision PWS.
7. The Respondents violated the State Primary Drinking Water Regulations, 24A S.C. Code Ann. Regs. 61-58.8(B)(3) (Supp. 2004), in that they failed to develop an emergency preparedness plan at the Franklin Park Subdivision PWS.
8. The Respondents violated the State Primary Drinking Water Regulations, 24A S.C. Code Ann. Regs. 61-58.11(I) (Supp. 2004), in that they failed to perform WQP analyses after having Copper ALE for the Franklin Park Subdivision PWS.
9. The Respondents violated the State Primary Drinking Water Regulations, 24A S.C. Code Ann. Regs. 61-58.11(D) (Supp. 2004), in that they failed to submit an approvable OCCT after having a Copper ALE at the Franklin Park Subdivision PWS.
10. The Respondents violated the State Primary Drinking Water Regulations, 24A S.C. Code

Ann. Regs. 61-58.5(C) (Supp. 2004) in that they failed to perform nitrate monitoring for the Franklin Park Subdivision PWS for the 2005 monitoring period.

11. The Respondents violated the State Primary Drinking Water Regulations, 24A S.C. Code Ann. Regs. 61-58.5(G)(1) (Supp. 2004) in that they failed to perform bacteriological monitoring for the Franklin Park Subdivision PWS for the September 2002, June 2004, August 2004 and March 2005 monitoring periods.
12. The Respondents violated the State Primary Drinking Water Regulations, 24A S.C. Code Ann. Regs. 61-58.6(E) (Supp. 2004) in that they failed to submit PN after failing to monitor for bacteriological contaminants for the September 2002 monitoring period.
13. The Respondents violated the State Primary Drinking Water Regulations, 24A S.C. Code Ann. Regs. 61-58.11(H)(3) (Supp. 2004) in that they failed to perform lead and copper monitoring for the Franklin Park Subdivision PWS for the July-December 2002, January-June 2003, July-December 2003 and January-June 2004 monitoring periods.
14. The Respondents violated the Environmental Protection Fees regulation, 24A S.C. Code Ann. Regs. 61-30 (G)(2) (Supp. 2004), in that they failed to submit to the Department the required annual State Safe Drinking Water Fees for the Franklin Park Subdivision PWS for the 2005 fiscal year.
15. The State Safe Drinking Water Act, S.C. Code Ann. § 44-55-90(B)(1) (2002), provides for a civil penalty not to exceed five thousand dollars (\$5,000.00) a day per violation for any person violating the Act.

NOW, THEREFORE, IT IS ORDERED pursuant to the State Safe Drinking Water Act, S.C. Code Ann. §§ 44-55-10 to 120 (2002) that the Respondents shall:

1. Henceforth, operate and maintain the PWS in accordance with all applicable State and Federal laws and regulations.

2. Within fifteen (15) days of the execution date of this Order, submit to the Department the PN for non-monitoring for bacteriological contaminants for the September 2002 monitoring period for the Franklin Park Subdivision PWS.
3. Within thirty (30) days of the execution date of this Order, correct all deficiencies as listed in Findings of Fact point five (5) and twelve (12) from the August 28, 2003, and November 17, 2004, Sanitary Surveys performed at Franklin Park Subdivision PWS.
4. Within thirty (30) days of the execution date of this Order, submit to the Department WQP analyses for the Franklin Park Subdivision PWS.
5. Within thirty (30) days of the execution date of this Order, submit to the Department an approvable OCCT Evaluation of the Franklin Park Subdivision PWS.
6. Within thirty (30) days of the execution date of this Order, pay to the Department the balance of the annual State Safe Drinking Water Fees for fiscal year 2005, which total one thousand four hundred forty-two dollars and thirty-eight cents (\$1,442.38).
7. Within thirty (30) days of the execution date of this Order, pay the Department a civil penalty in the amount of twenty-five thousand dollars (\$25,000.00).

PURSUANT TO THIS ORDER, all communication regarding this Order and its requirements, shall include the Order number and shall be addressed as follows:

Sallie Legaré
Drinking Water Enforcement
Bureau of Water
SCDHEC
2600 Bull Street
Columbia, S.C. 29201

The Respondent shall confirm, in writing, completion of Order requirements to the above address within five (5) days of completion. Please include the Order number listed above on all submittals required under this Order, including all checks remitted as payment of the civil

penalty.

IT IS FURTHER ORDERED that failure to comply with any provision of this Order shall be grounds for further enforcement action pursuant to the State Safe Drinking Water Act, S.C. Code Ann. §§ 44-55-10 to 120 (2002), to include the assessment of additional civil penalties.

NOTICE IS HEREBY GIVEN that the issuance of this Administrative Order represents a final staff decision that may be appealed to the Administrative Law Court (ALC). Such appeal must be made pursuant to the amended Rules of Procedure for the Administrative Law Court that became effective on May 1, 2005. Pursuant to Rule 11 of the amended ALC Rules of Procedure, such appeal must be made by filing a request for a contested case hearing with the Clerk of the ALC within thirty (30) days after notice of this decision at the following address:

Clerk, Administrative Law Court
1205 Pendleton Street, Suite 224
P. O. Box 11667
Columbia, SC 29211

Pursuant to Rule 11(D), the following elements must, at a minimum, be included within the request:

1. The name of the party requesting the hearing and the issue(s) for which the hearing is requested;
2. The caption or other information sufficient to identify the decision, order, letter, determination, action, or inaction which is subject to the hearing;
3. A copy of the written agency decision, order, letter or determination, if any, which gave rise to the request;
4. The relief requested.

Furthermore, pursuant to ALC Rule 71, the Administrative Law Court requires that a party requesting a contested case hearing must submit a filing fee in the amount of two hundred fifty dollars (\$ 250.00) with the Administrative Law Court.

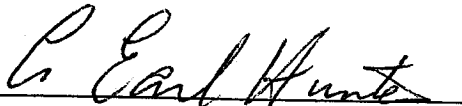
Finally, a copy of a request for the contested case hearing must also be served on each party,

including but not limited to DHEC. Copies of a request for a contested case hearing should be mailed to the Clerk of the Board, DHEC, 2600 Bull Street, Columbia, SC 29201, (803) 898-3300.

IT IS FURTHER ORDERED that this Administrative Order governs only Piney Grove Utilities, Inc. and Piney Grove Utilities, Inc. d/b/a Franklin Park Subdivision's liability to the Department for civil sanctions arising from the matters set forth herein and constitutes the entire Order of the Department as it relates to Piney Grove Utilities, Inc. and Piney Grove Utilities, Inc. d/b/a Franklin Park Subdivision with respect to the resolution and settlement of the matters set forth herein. The parties are not relying upon any representations, promises, understandings or agreements except as expressly set forth within this Order.

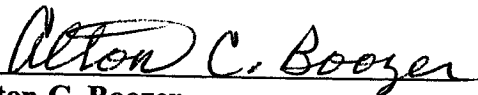
IT IS SO ORDERED.

**THE SOUTH CAROLINA DEPARTMENT OF
HEALTH AND ENVIRONMENTAL CONTROL**



C. Earl Hunter, Commissioner
South Carolina Department of
Health and Environmental Control

Date: 7-7-05



Alton C. Boozer,
Chief, Bureau of Water

Date: 07 July, 2005



Attorney for the Department

Date: July 7, 2005

THE STATE OF SOUTH CAROLINA
BEFORE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

IN RE: PINEY GROVE UTILITIES/FRANKLIN PARK SUBDIVISION
RICHLAND COUNTY

CONSENT AGREEMENT
00-167-W

Piney Grove Utilities (Respondent) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) which serves Franklin Park Subdivision located in Richland County, South Carolina.

A review of the Respondent's file by the South Carolina Department of Health and Environmental Control (Department) revealed violations of the Pollution Control Act and National Pollutant Discharge Elimination System (NPDES) Permit SC0031399 in that the Respondent exceeded the permitted discharge limits for biochemical oxygen demand (BOD), fecal coliform bacteria, flow, and total suspended solids (TSS).

In accordance with approved procedures, and based on discussions with the Respondent on July 27, 2000, the parties have agreed to the issuance of this Order to include the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. NPDES Permit SC0031399, effective July 1, 1994, allows the Respondent to discharge treated wastewater to Cabin Branch to Myers Creek to the Congaree River in strict compliance with the terms, limitations, and requirements of the permit. The permit

contains a requirement for elimination of the discharge from the WWTF within ninety (90) days of notification by the Department that regional sewer is available. The permit also requires closure of the WWTF within one hundred eighty (180) days of connection to regional sewer.

2. On May 25, 1999, the Department issued a Notice of Violation to the Respondent for exceeding the permitted discharge limits for BOD and TSS during the May 1, 1998, through January 31, 1999, monitoring periods. In a letter dated June 7, 1999, the Respondent replied that there has only been a flow from the facility for the past eighteen (18) months. The Respondent indicated that it had contracted an engineering firm to assist with corrective action.
3. The following is a list of operation and maintenance (O&M) and compliance sampling inspections (CSI) conducted by the Department between January 1, 1998, and June 30, 1999, the rating of the facility, and the deficiencies noted:

<u>Inspection Date</u>	<u>Type</u>	<u>Rating</u>	<u>Deficiencies</u>
January 12, 1998	O&M	Unsatisfactory	Water overflowing baffles
January 14, 1998	CSI	Noncompliant	Flow, fecal coliform
January 11, 1999	CSI	Noncompliant	BOD, fecal coliform
June 2, 1999	O&M	Satisfactory	None

4. A review of DMRs submitted to the Department by the Respondent for the April 1, 1998, through June 30, 1999, monitoring periods has revealed the following violations of permitted effluent limits:

BOD - May, September, and December 1998; January and June 1999.

TSS - September and December 1998; January and March 1999.

4. On July 27, 2000, the Department held a conference with the Respondent. The Respondent indicated that it had purchased the facility from the former owner in March 2000. The Respondent indicated a willingness to cooperate fully with the Department in bringing the facility into compliance.

CONCLUSIONS OF LAW

Based upon the above Findings of Fact, the Department has reached the following Conclusions of Law:

1. The Respondent violated the Pollution Control Act, S.C. Code Ann. § 48-1-110(d), (Supp. 1999), and Water Pollution Control Permits, 25 S.C. Code Ann. Regs. 61-9.122.41(a)(1) (Supp. 1999), in that it violated the permitted discharge limits for BOD, fecal coliform bacteria, flow, and TSS.
2. The Pollution Control Act, S.C. Code Ann. § 48-1-330 (1987), provides for a civil penalty not to exceed ten thousand dollars (\$10,000.00) per day of violation for anyone violating the Act or any rule, regulation, permit, permit condition, final determination, or order of the Department.

NOW, THEREFORE, IT IS ORDERED, CONSENTED TO AND AGREED, pursuant to the Pollution Control Act, S.C. Code Ann. §§ 48-1-50, 100 (1987), that the Respondent shall:

1. Immediately begin and continue to operate and maintain the WWTF in accordance with applicable State and Federal regulations.
2. Within thirty (30) days of the execution of this Order, submit to the Department a corrective action plan (CAP) detailing improvements that will be made to the WWTF for

the purpose of meeting the permitted discharge limits. The CAP shall contain a schedule of implementation which, upon Department approval, shall be incorporated into and become an enforceable part of this Order.

THEREFORE IT IS FURTHER AGREED that if any event occurs which causes or may cause a delay in meeting any of the above scheduled dates for completion of any specified activity, the Respondent shall notify the Department in writing at least one (1) week before the scheduled date, describing in detail the anticipated length of the delay, the precise cause or causes of delay, if ascertainable, the measures taken or to be taken to prevent or minimize the delay, and the timetable by which those measures will be implemented.

The Department shall provide written notice as soon as practicable that a specified extension of time has been granted or that no extension has been granted. An extension shall be granted for any scheduled activity delayed by an event of *force majeure*, which shall mean any event arising from causes beyond the control of the Respondent that causes a delay in or prevents the performance of any of the conditions under this Consent Order including, but not limited to:

- a) acts of God, fire, war, insurrection, civil disturbance, explosion; b) adverse weather condition that could not be reasonably anticipated causing unusual delay in transportation and/or field work activities, c) restraint by court order or order of public authority; d) inability to obtain, after exercise of reasonable diligence and timely submittal of all applicable applications, any necessary authorizations, approvals, permits, or licenses due to action or inaction of any governmental agency or authority; and e) delays caused by compliance with applicable statutes or regulations governing contracting, procurement or acquisition procedures, despite the exercise of reasonable diligence by the Respondent.

Events which are not *force majeure* include by example, but are not limited to, unanticipated or increased costs of performance, changed economic circumstances, normal precipitation events, or any person's failure to exercise due diligence in obtaining governmental permits of fulfilling contractual duties. Such determination will be made in the sole discretion of the Department. Any extension shall be incorporated by reference as an enforceable part of this Consent Order and thereafter be referred to as an attachment to the Consent Order.

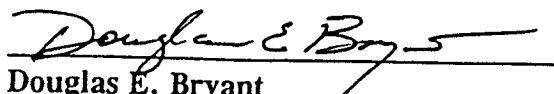
PURSUANT TO THIS ORDER, all requirements to be submitted to the Department shall be addressed as follows:

Anastasia Hunter-Shaw
Bureau of Water-Enforcement Division
S.C. Department of Health and Environmental Control
2600 Bull Street
Columbia, S.C. 29201

The Respondent shall confirm, in writing, completion of Order requirements to the above address within five (5) days of completion.

IT IS FURTHER ORDERED AND AGREED that failure to comply with any provision of this Order shall be grounds for further enforcement action pursuant to S.C. Code Ann. § 48-1-330 *Pollution Control Act* (1987), to include the assessment of civil penalties.

**THE SOUTH CAROLINA DEPARTMENT OF
HEALTH AND ENVIRONMENTAL CONTROL**


Douglas E. Bryant
Commissioner

DATE: 8/28/00

Alton C. Boozer

Alton C. Boozer, Chief
Bureau of Water

DATE: 8/24/00

WE CONSENT:

J. Lee Whitford

Piney Grove Utilities

DATE: 9/21/2000

Robert G. McAllister

Attorney for Department

DATE: 8/24/2000

Valerie A. Betterton

Valerie A. Betterton, Director
Water Enforcement Division

DATE: 8/24/2000



Copy analytical

CENTRAL MIDLANDS EQC DISTRICT

PO Box 156, Building #5
State Park, SC 29147
(803) 896-0620 Fax (803) 896-0617 Certified Mail-Return Receipt: 7099-3400-0003-6617-9563

March 3, 2005

Ms. Rita Foxworth
Garfield Environmental Services
P.O. Box 1316
Summerton, SC 29148

RE: NPDES Permit #SC000031399
Franklin Park S/D WWTF
February 28, 2005 - Compliance Sampling Inspection

Dear Ms. Foxworth:

The Central Midlands District performed a compliance sampling inspection on the above facility and noted the following deficiencies. Please respond to the deficiencies as requested below.

Day 1 - A tube was noted to be hanging in the contact chamber with a few chlorine tablets, however, this tube and the location of the tube is not approved by the Department.

The approved tablet chlorinator and dechlorinator did not contain any chlorine tablets.

Why isn't the tablet chlorinator and dechlorinator being used as approved?

Documentation of daily inspections, sampling and effluent data is not being maintained on site. The Department has requested over and over, to have the current month's data on site at all times. This is a requirement of the NPDES permit.

Why isn't the operator's log being maintained on site?

An instantaneous flow measurement was performed on the weir. The effluent discharge flow was 113,000 gallons. The facility is designed to treat 40,000 gallons a day. Wastewater was flowing over the contact chamber's inside baffle walls (short circuiting), instead of flowing through the channels and giving the wastewater sufficient time to be disinfected.

Why is the flow so high?

Day 2 - No operator documentation on site. An instantaneous flow was measured at 89,000 gallons.

Have you investigated where all this water is coming from? What are your findings?

The facility had a pH violation on the effluent. The daily limit is 6.0-8.5. The pH discharging was 9.33 ppm.

Why is a high pH being discharged?

The chlorinated wastewater had a total chlorine residual of 0.12 mg/L, which is on the low side.

Day 3 - The 24-hour flow was recorded as 102,000 gallons. Again, wastewater was flowing over the inside walls of the contact chamber. There appears to be a problem in the collection system.

Again, the chlorinated wastewater had a total chlorine residual was 0.12 mg/L.

The facility had another pH violation on the effluent. The pH was 9.20 mg/L.

The vegetation, trees, bushes all along the free board of the lagoon, along the dike and on the fence line has not be cut back as previously requested in past inspections.

Why aren't the grounds being maintained? This is an ongoing problem.

Since records are not being maintained on site, the Department is requesting copies of the last three months (January, February and March, 2005) of the operator's daily log, field parameter sampling results, field instrument calibration records, composite sampling setup information, composite sampling results and chain of custody records from the contract laboratory. These records are requested to be faxed or mailed to the District office for review by March 11, 2005.

Our address is: SCDHEC-Central Midlands District, P.O. Box 156, State Park, SC 29147
Our fax number is: 803-896-0617.

Respectfully,



D. Tracey Wilkes
Wastewater Evaluator
Central Midlands District

cc: Larry Boland, SCDHEC Central Midlands District
Robin Foy, SCDHEC Enforcement
Louis H. Lang, Callison Tighe & Robinson
Reece Williams, Piney Grove Utilities, Inc.

Elizabeth M. Hagood
Chairman

Edwin H. Cooper, III
Vice Chairman

L. Michael Blackmon
Secretary



C. Earl Hunter, Commissioner

Promoting and protecting the health of the public and the environment.

Carl L. Brazell

Steven G. Kisner

Paul C. Highty, III

Coleman F. Buckhouse, MD

July 7, 2005

Hand Delivered

Mr. Louis H. Lang, Esquire
Callison Tighe Robinson LLP
Post Office Box 1390
Columbia, SC 29202-1390

RE: **Administrative Order 05-082-DW**
Piney Grove Utilities, Inc.
Albene Park Subdivision Public Water System
System Number 4050007
Richland County

Dear Mr. Lang:

Enclosed is the fully executed Administrative Order 05-082-DW affecting Piney Grove Utilities, Inc./Albene Park Subdivision. The execution date of this Order is July 7, 2005.

This decision may be appealed to the Administrative Law Court (ALC) by complying with the following requirements of the ALC:

File a request for a contested case hearing with the Clerk of the Administrative Law Court at the following address within thirty (30) days after notice of this decision:

Clerk, Administrative Law Court
1205 Pendleton Street, Suite 224
P. O. Box 11667
Columbia, SC 29211
803-734-0550

The ALC has a Notice of Request for Contested Case Hearing form that may be used, but is not required. The form and the Rules of the ALC can be found at the ALC's website: <http://www.scalc.net>.

A request for a contested case hearing must contain the following information pursuant to ALC Rule 11:

1. The name of the party requesting the hearing and the issue(s) for which the hearing is requested.

2. The caption or other information sufficient to identify the decision, order, letter, determination, action, or inaction which is subject to the hearing.
3. A copy of the written agency decision, order, letter or determination, if any, which gave rise to the request.
4. The relief requested.

Submit a filing fee to the Administrative Law Court in the amount of \$250. The filing fee is required by ALC Rule 71.

Serve a copy of the request for a contested case hearing on DHEC and any other parties at the same time the request is filed with the ALC. A copy of the request for a contested case hearing must be delivered or mailed to DHEC at the following address:

Clerk of the Board
SC DHEC
2600 Bull Street
Columbia, SC 29201

The above information is provided as a courtesy; parties before the Administrative Law Court are responsible for complying with all applicable requirements of the Court.

If a hearing is not requested within thirty (30) calendar days of your receipt of this Order, the Order will become final as written. Any failure to comply with the established deadlines will then be deemed a violation of the State Safe Drinking Water Act, S.C. Code Ann. §§ 44-55-10 to 120, thereby subjecting you to the assessment of additional penalties as authorized by S.C. Code Ann. § 44-55-90.

If you have any questions in this matter, please call me at (803) 898-4430.

Sincerely,



Sallie Legaré
Project Manager
Drinking Water Enforcement Division
Bureau of Water

cc: Harry Mathis, Director, Region 3
Sonya Johnson, Region 3
Matthew Penn, General Counsel
Julie McIntyre, General Counsel

**THE STATE OF SOUTH CAROLINA
BEFORE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

**IN RE: PINEY GROVE UTILITIES, INC. and
PINEY GROVE UTILITIES, INC. d/b/a
ALBENE PARK SUBDIVISION
PUBLIC WATER SYSTEM NUMBER 4050007
RICHLAND COUNTY**

**ADMINISTRATIVE ORDER
05-082-W**

Piney Grove Utilities, Inc. and Piney Grove Utilities, Inc. d/b/a Albene Park Subdivision (Respondents) own and are responsible for the proper operation and maintenance of the public water system (PWS) serving the residents of the Albene Park Subdivision, located in Richland County, South Carolina.

A review of the Respondents' file by South Carolina Department of Health and Environmental Control (Department) staff revealed that the Respondents violated the State Safe Drinking Water Act, S.C. Code Ann. §§ 44-55-10 to 120 (2002), the State Primary Drinking Water Regulations, 24A S.C. Code Ann. Regs. 61-58 (Supp. 2004), and the Environmental Protection Fees regulation, 24A S.C. Code Ann. Regs. 61-30 (G)(2) (Supp. 2004), in that they failed to properly operate and maintain the PWS, failed to perform nitrate monitoring for the 2005 monitoring period, failed to perform bacteriological monitoring for the September 2002, June 2004, August 2004 and March 2005 monitoring periods, failed to perform lead and copper monitoring for the two (2) monitoring periods July-December 2002 and January-June 2004 and improperly monitored for the January-June 2003 monitoring period, failed to issue public notice (PN) for non-monitoring for lead and copper for the July-December 2002 monitoring period, failed to issue PN for non-monitoring for bacteriological contaminants for the September 2002

monitoring period, and failed to pay State Safe Drinking Water Fees for the 2005 fiscal year.

In accordance with approved procedures, the Department has determined that it is appropriate and necessary to issue this Administrative Order to include the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Piney Grove Utilities, Inc. and Piney Grove Utilities, Inc. d/b/a Albene Park Subdivision (Respondents) own and are responsible for the proper operation and maintenance of the public water system (PWS) serving the residents of the Albene Park Subdivision, located in Richland County, South Carolina.
2. The PWS consists of one (1) well, a storage tank, forty-six (46) taps, and serves a population of one hundred twelve (112) people.
3. On June 29, 1999, the Department issued Administrative Order 99-090-DW to Piney Grove Utilities, Inc. and Piney Grove Utilities, Inc. d/b/a Franklin Park and Albene Park Subdivisions requiring the Respondents to do the following at the Albene Park Subdivision PWS:
 - A. Submit Public Education (PE) for a lead and copper Action Level Exceedance (ALE);
 - B. Submit a Business Plan (BP);
 - C. Submit a Preliminary Engineering Report (PER) for fixing the wellhouse and storage facility;
 - D. Implement a flushing program and submit records to the Department;

- E. Address all deficiencies listed on the October 14, 1998, and February 12, 1999, Sanitary Surveys and in the Findings of Fact of Administrative Order 99-090-DW; and,
- F. Pay a civil penalty of thirty-two thousand dollars (\$32,000.00).

The requirements of this Administrative Order were not met.

- 4. On December 8, 1999, Consent Order of Dismissal (Docket Number 99-ALJ-07-0375-CC) was issued following an appeal of Administrative Order 99-090-DW to Piney Grove Utilities, Inc. and Piney Grove Utilities, Inc. d/b/a Franklin Park and Albene Park Subdivisions requiring the Respondents to do the following at Albene Park Subdivision PWS:

- A. Submit PE for a lead and copper ALE;
- B. Submit a BP;
- C. Submit a PER for fixing the wellhouse and storage facility;
- D. Implement a flushing program and submit records to the Department;
- E. Address all deficiencies listed in the previous Sanitary Surveys and in the Findings of Fact of Administrative Order 99-090-DW; and,
- F. Pay a civil penalty in the amount of twenty thousand dollars (\$20,000.00).

The requirements of this Consent Order of Dismissal were not met.

- 5. The Respondents failed to submit PN to the residents and submit a copy to the Department for failure to monitor for lead and copper for the July-December 2002 monitoring period for Albene Park Subdivision PWS.
- 6. The Respondents did not perform bacteriological monitoring for the September 2002 monitoring period for Albene Park Subdivision PWS.

7. The Respondents failed to submit PN to the residents of Albene Park Subdivision PWS and submit a copy to the Department for failure to monitor for bacteriological contaminants for the September 2002 monitoring period.
8. On August 13, 2003, the Department mailed a notice to the Respondents informing them that the Lead and Copper Monitoring was not properly conducted for the January – June 2003 monitoring period, in that the required number of samples were not collected.
9. On October 27, 2003, the Department mailed another notice to the Respondents informing them that the Lead and Copper Monitoring was not properly conducted for the January – June 2003 monitoring period, in that the required number of samples were not collected.
10. On November 7, 2003, the Department mailed a notice to the Respondents regarding the results of the Sanitary Survey performed at Albene Park Subdivision PWS on August 28, 2003. The system was rated “Unsatisfactory” due to the following deficiencies:
 - A. Protection from contamination was rated “Unsatisfactory” in that the concrete pad around the wellhead was cracking again, and the sealant that was injected into the crack as a temporary measure was beginning to separate from the pad;
 - B. Water quality was rated “Needs Improvement” in that the system had not monitored for lead and copper for the July-December 2002 and did not properly monitor for the January – June 2003 monitoring period as required;
 - C. The valve maintenance was rated “Needs Improvement” in that a valve maintenance program did not exist as required;

- D. The cross connection control program was rated "Unsatisfactory" due to the fact that the check valves at the wellhead and above the well pump were not operational as required;
 - E. The flushing program was rated "Needs Improvement" in that a flushing program did not exist for this system as required;
 - F. The maintenance was rated "Unsatisfactory" in that the air compressor was not operational, the wellhead and well pump check valve were not operational, and the tank was leaning to one side and the wall it intersects appeared to still be settling;
 - G. The monitoring/reporting and recordkeeping were rated "Needs Improvement" in that the Operator was using Clorox to disinfect the well which is not a National Sanitation Foundation (NSF) approved treatment, and the monitoring for lead and copper had not been performed and the results submitted for two (2) monitoring periods, as mentioned above;
 - H. The procedure manual was rated "Needs Improvement" in that one did not exist as required; and,
 - I. The emergency plan was rated "Needs Improvement" in that a sufficient emergency plan did not exist as required.
11. On July 21, 2004, the Department mailed to the Respondents invoice number QK33073-8 and follow-up notices in August 2004, September 2004 and October 2004 requesting the submittal of State Safe Drinking Water Fees for fiscal year 2005 for the Albene Park Subdivision PWS.

12. To date, the Respondents have not paid their annual State Safe Drinking Water Fees for fiscal year 2005. Currently, the outstanding fees total one thousand three hundred ninety-eight dollars and thirty-eight cents (\$1,398.38).
13. In August 2004, the Department mailed the Respondents a Notice of Violation (NOV) for failure to perform bacteriological monitoring for the June 2004 monitoring period. To date, the Respondents have not performed bacteriological sampling for the June 2004, August 2004, and March 2005 monitoring periods.
14. To date, nitrate monitoring has not been performed for the Albene Park Subdivision PWS for the 2005 monitoring period.
15. On August 17, 2004, the Department mailed a notice to the Respondents informing them that the Lead and Copper Monitoring was not performed for the January – June 2004 monitoring period.
16. On December 6, 2004, the Department mailed a notice to the Respondents regarding the results of the Sanitary Survey performed at Albene Park Subdivision PWS on November 17, 2004. The system was rated “Unsatisfactory” due to the following deficiencies:
 - A. Protection from contamination was rated “Unsatisfactory” in that the pad around the well was severely cracked, the wellhouse was not being properly maintained, there was a leak from the tank spigot, and the tank was rusting and needed to be inspected;
 - B. The flow measuring device was rated “Needs Improvement” in that the flow meter was not working properly as required;
 - C. The water quality was rated “Needs Improvement” in that the system had lead and copper problems in the past and had not performed monitoring for the two (2)

- monitoring periods July-December 2002 and January-June 2004 and had not properly performed the monitoring for the January-June 2003 monitoring period;
- D. The valve maintenance was rated "Needs Improvement" in that a valve maintenance program did not exist as required;
 - E. The flushing program was rated "Unsatisfactory" in that a flushing program had not been implemented as required;
 - F. The leak detection and repair program was rated "Needs Improvement" in that a leak detection and repair program did not exist as required;
 - G. The maintenance was rated "Unsatisfactory" in that the air compressor was not operational, the wellhead and well pump check valves were not operational, and the tank was still leaning to one side and the wall it intersects appeared to still be settling;
 - H. The monitoring and record keeping was rated "Needs Improvement" in that the well was not being checked on a daily basis, and the meter was not being read and documented on a daily basis;
 - I. The procedure manual was rated "Unsatisfactory" in that one did not exist as required;
 - J. The emergency manual was rated "Needs Improvement" in that additional information needed to be added to the existing manual, the additional information needed to be developed and added to the emergency manual and the manual needed to be kept on site and followed; and,

K. The cross connection control was rated "Unsatisfactory" due to the fact that the check valves at the wellhead and above the well pump were not operational as required.

17. On April 6, 2005 the Department mailed the Respondents a NOV as a result of the Sanitary Survey performed on November 17, 2004. The deficiencies in the NOV were all deficiencies the Respondent agreed to correct in the Consent Order of Dismissal (Docket Number 99-ALJ-07-0375-CC) entered into by the Department and the Respondents on December 8, 1999.

CONCLUSIONS OF LAW

Based upon the above Findings of Fact, the Department reaches the following Conclusions of Law:

1. The Respondents violated the State Primary Drinking Water Regulations, 24A S.C. Code Ann. Regs. 61-58.7(B)(2) (Supp. 2004), in that they failed to have a procedures manual at the Albene Park Subdivision PWS.
2. The Respondents violated the State Primary Drinking Water Regulations, 24A S.C. Code Ann. Regs. 61-58.7(D)(9) (Supp. 2004), in that they failed to maintain the concrete well pad that prevents contaminant entrance into the well at the Albene Park Subdivision PWS.
3. The Respondents violated the State Primary Drinking Water Regulations, 24A S.C. Code Ann. Regs. 61-58.7(E)(2) (Supp. 2004), in that they failed to properly inspect the tank to maintain the proper air/water ratio that prevents it from becoming water logged.
4. The Respondents violated the State Primary Drinking Water Regulations, 24A S.C. Code Ann. Regs. 61-58.7(B)(20) (Supp. 2004), in that they failed to have a working flow

measuring device at the Albene Park Subdivision PWS.

5. The Respondents violated the State Primary Drinking Water Regulations, 24A S.C. Code Ann. Regs. 61-58.7(D)(5) (Supp. 2004), in that they failed to maintain the check valve at the wellhead at the Albene Park Subdivision PWS.
6. The Respondents violated the State Primary Drinking Water Regulations, 24A S.C. Code Ann. Regs. 61-58.7(E)(9) (Supp. 2004), in that they failed to implement an adequate valve maintenance program at the Albene Park Subdivision PWS.
7. The Respondents violated the State Primary Drinking Water Regulations, 24A S.C. Code Ann. Regs. 61-58.7(E)(11) (Supp. 2004), in that they failed to implement an adequate leak detection and repair program at the Albene Park Subdivision PWS.
8. The Respondents violated the State Primary Drinking Water Regulations, 24A S.C. Code Ann. Regs. 61-58.7(E)(13) (Supp. 2004), in that they failed to implement an adequate flushing program at the Albene Park Subdivision PWS.
9. The Respondents violated the State Primary Drinking Water Regulations, 24A S.C. Code Ann. Regs. 61-58.7(B)(15) (Supp. 2004), in that they failed to use an NSF approved chemical to disinfect the well at the Albene Park Subdivision PWS.
10. The Respondents violated the State Primary Drinking Water Regulations, 24A S.C. Code Ann. Regs. 61-58.8(B)(3) (Supp. 2004), in that they failed to develop an emergency preparedness plan at the Albene Park Subdivision PWS.
11. The Respondents violated the State Primary Drinking Water Regulations, 24A S.C. Code Ann. Regs. 61-58.5(C) (Supp. 2004) in that they failed to perform nitrate monitoring for the 2005 monitoring period.
12. The Respondents violated the State Primary Drinking Water Regulations, 24A S.C. Code

Ann. Regs. 61-58.5(G)(1) (Supp. 2004) in that they failed to perform bacteriological monitoring for the September 2002, June 2004, August 2004 and March 2005 monitoring periods.

13. The Respondents violated the State Primary Drinking Water Regulations, 24A S.C. Code Ann. Regs. 61-58.6(E) (Supp. 2004) in that they failed to submit PN after failing to monitor for bacteriological contaminants for the September 2002 monitoring period and after failing to monitor for lead and copper for the July-December 2002 monitoring period.
14. The Respondents violated the State Primary Drinking Water Regulations, 24A S.C. Code Ann. Regs. 61-58.11(H)(3) (Supp. 2004), in that they improperly monitored for lead and copper during the January-June 2003 monitoring period.
15. The Respondents violated the State Primary Drinking Water Regulations, 24A S.C. Code Ann. Regs. 61-58.11(H) (Supp. 2004), in that they failed to monitor for lead and copper for the July-December 2002 and January-June 2004 monitoring periods.
16. The Respondents violated the Environmental Protection Fees regulation, 24A S.C. Code Ann. Regs. 61-30(G)(2) (Supp. 2004), in that they failed to submit to the Department the required annual State Safe Drinking Water Fees for the Albene Park Subdivision PWS for the 2005 fiscal year.
17. The Respondents violated the State Primary Drinking Water Regulations, 24A S.C. Code Ann. Regs. 61-58.7(D) (Supp. 2004), in that they failed to maintain the appropriate records on site for Department inspection at the Albene Park Subdivision PWS.
18. The State Safe Drinking Water Act, S.C. Code Ann. § 44-55-90(B)(1) (2002), provides for a civil penalty not to exceed five thousand dollars (\$5,000.00) a day per violation for

any person violating the Act.

NOW, THEREFORE, IT IS ORDERED pursuant to the State Safe Drinking Water Act, S.C. Code Ann. §§ 44-55-10 to 120 (2002) that the Respondents shall:

1. Henceforth, operate and maintain the PWS in accordance with all applicable State and Federal laws and regulations.
2. Immediately begin using NSF approved chemicals to disinfect the Albene Park Subdivision PWS.
3. Within fifteen (15) days of the execution date of this Order, issue PN to the residents of Albene Park Subdivision PWS and submit a copy of the issued PN to the Department for the September 2002 bacteriological non-monitoring violation.
4. Within fifteen (15) days of the execution date of this Order, issue PN to the residents of Albene Park Subdivision PWS and submit a copy of the issued PN to the Department for the July-December 2002 lead and copper non-monitoring violation.
5. Within thirty (30) days of the execution date of this Order, correct all deficiencies as listed in Findings of Fact point ten (10) and sixteen (16) from the August 28, 2003 and November 17, 2004 Sanitary Surveys performed at Albene Park Subdivision PWS and contact the Central Midlands Environmental Quality Control District office at (803) 896-0620 for a final inspection.
6. Within thirty (30) days of the execution date of this Order, pay to the Department the balance of the annual State Safe Drinking Water Fees for fiscal year 2005, which total one thousand three hundred ninety-eight dollars and thirty-eight cents (\$1,398.38).
7. Within thirty (30) days of the execution date of this Order, pay to the Department a civil penalty in the amount of twenty thousand dollars (\$20,000.00).

PURSUANT TO THIS ORDER, all communication regarding this Order and its requirements, shall include the Order number and shall be addressed as follows:

Sallie Legaré
Drinking Water Enforcement
Bureau of Water
SCDHEC
2600 Bull Street
Columbia, S.C. 29201

The Respondent shall confirm, in writing, completion of Order requirements to the above address within five (5) days of completion. Please include the Order number listed above on all submittals required under this Order, including all checks remitted as payment of the civil penalty.

IT IS FURTHER ORDERED that failure to comply with any provision of this Order shall be grounds for further enforcement action pursuant to the State Safe Drinking Water Act, S.C. Code Ann. §§ 44-55-10 to 120 (2002), to include the assessment of additional civil penalties.

NOTICE IS HEREBY GIVEN that the issuance of this Administrative Order represents a final staff decision that may be appealed to the Administrative Law Court (ALC). Such appeal must be made pursuant to the amended Rules of Procedure for the ALC that became effective on May 1, 2005. Pursuant to Rule 11 of the amended ALC Rules of Procedure, such appeal must be made by filing a request for a contested case hearing with the Clerk of the ALC within thirty (30) days after notice of this decision at the following address:

Clerk, Administrative Law Court
1205 Pendleton Street, Suite 224
P. O. Box 11667
Columbia, SC 29211

Pursuant to Rule 11(D), the following elements must, at a minimum, be included within the request:

1. The name of the party requesting the hearing and the issue(s) for which the hearing is requested;
2. The caption or other information sufficient to identify the decision, order, letter, determination, action, or inaction which is subject to the hearing;
3. A copy of the written agency decision, order, letter or determination, if any, which gave rise to the request;
4. The relief requested.

Furthermore, pursuant to ALC Rule 71, the ALC requires that a party requesting a contested case hearing must submit a filing fee in the amount of two hundred fifty dollars (\$ 250.00) with the ALC.

Finally, a copy of a request for the contested case hearing must also be served on each party, including but not limited to DHEC. Copies of a request for a contested case hearing should be mailed to the Clerk of the Board, DHEC, 2600 Bull Street, Columbia, SC 29201, (803) 898-3300.

IT IS FURTHER ORDERED that this Administrative Order governs only Piney Grove Utilities, Inc. and Piney Grove Utilities, Inc. d/b/a Albene Park Subdivision's liability to the Department for civil sanctions arising from the matters set forth herein and constitutes the entire Order of the Department as it relates to Piney Grove Utilities, Inc. and Piney Grove Utilities, Inc. d/b/a Albene Park Subdivision with respect to the resolution and settlement of the matters set forth herein. The parties are not relying upon any representations, promises, understandings or agreements except as expressly set forth within this Order.

IT IS SO ORDERED.

[Signature Page Follows]

THE SOUTH CAROLINA DEPARTMENT OF
HEALTH AND ENVIRONMENTAL CONTROL

C. Earl Hunter
C. Earl Hunter, Commissioner
South Carolina Department of
Health and Environmental Control

Date: 7-7-05

Alton C. Boozer
Alton C. Boozer,
Chief, Bureau of Water

Date: 07 July, 2005

Julie L. Milstrey
Attorney for the Department

Date: July 7, 2005